

Abstract

The subject of this diploma thesis is to analyze the basic inheritance law institutes before and after the recodification of private law in the Czech Republic. Considering the forthcoming effect of the Act No. 89/2012 Coll., the New Civil Code which will replace the current Civil Code No. 40/1964 Coll. and which introduces significant changes into the inheritance law, the main aim of the thesis is to provide a comprehensive picture of selected inheritance law institutes in the light of these specific changes, their assessment and outline of the beneficial and problematic areas. The thesis is composed of five main chapters, each of them dealing with a specific area of inheritance law institutes.

The introductory chapter of the thesis defines the concept and legal regulation of the inheritance law in the Czech Republic. I also briefly define the basic principles that are crucial for the inheritance law, whereas I emphasize the principle of will autonomy, which is the main principle for the new inheritance law regulation.

The second chapter explains the concept of inheritance law institute and outlines also the new concepts of inheritance law. The main goal of the thesis is particularized in the final part of the chapter.

Chapter three examines the basic assumptions of hereditary succession; for the transfer of deceased person's property to the heirs is cumulative fulfillment of the assumptions needed, these are death of the testator, the existence of heritage, an eligible descendent and an inheritance title.

The content of the fourth chapter is current and new legislation of the existing inheritance law institutes - intestamentary and testamentary succession and disinheritance, which I consider to be the most important with regard to their use.

Last, the fifth chapter, presents the newly established institutes of inheritance law which are not contained in the current legislation.

The conclusion summarizes the main findings and both, current and new legislation are described in its entirety.